

REMARKS

In response to the Office Action mailed June 10, 2005, Applicants amend the claims to more specifically define the claimed inventions. For example, Applicants amend claim 22 to recite a composition for treating melanoma having an active ingredient with a specific ion content and percentage by weight of the overall composition. Applicants also amend the method claims to recite specific methods for treating Kaposi's sarcoma and add method claims directed to treating melanoma. As currently presented, the cited art fails to disclose, teach, or suggest the claimed inventions and Applicants request favorable action on this application.

As an initial matter, Applicants believe that the present amendment renders moot the provisional non-statutory double patenting rejection over copending Application No. 09/716,890. But in the interest of advancing this application to allowance, Applicants file concurrently with this amendment a suitable terminal disclaimer to overcome the rejection as presented in the Office Action.

Turning now to the rejection of claim 24 under Section 112, first paragraph, Applicants submit that the current amendment to this claim overcomes this rejection. Applicants amend this claim to specifically recite a method for treating a Kaposi's sarcoma lesion using a procedure Applicants verified through experimentation. As described in Example 11 of the specification, Applicants' method for treating Kaposi's sarcoma lesions using the recited steps resulted in an initial reduction of the lesion and ultimately healing of the lesion upon completion of treatment. With the current amendment, Applicants direct the claim to a specific component of treatment, namely, the reduction or elimination of a lesion, and this treatment is fully supported by Example 11 and

confirmed by the positive results of that Example. Applicants have therefore overcome the Examiner's rejection of claim 24 and the rejection should be withdrawn. For similar reasons, the other currently-pending method claims meet the requirements of Section 112, first paragraph. For instance, Example 9 provides a working example indicating that the method recited in claim 35 is effective for treating melanoma. In Example 9, use of the method recited in claim 35 reduced a melanoma to a clean, white-looking spot.


Applicants further submit that the current amendment overcomes the rejections under Section 103. The Examiner rejected the then-pending claims under Section 103(a) as obvious over combinations of an August 1991 article by Carmel, U.S. Patent No. 6,458,338 to Genis, and U.S. Patent No. 5,458,881 to Berger. As presently amended, independent claim 22 recites a composition for treating melanoma having an active ingredient of inorganic ions comprising 1-40 parts rubidium and at least one other ion selected from the group consisting of 10-80 parts potassium, 0.00001-20 parts zinc, and 0.01-10 parts calcium, wherein the active ingredient comprises 80% by weight of the composition. None of the cited references disclose, teach, or suggest all of the limitations of independent claim 22. Carmel, for example, discusses Dead Sea salts without disclosing a composition having the required components, in the specified parts quantities, and an overall 80% by weight of the active ingredient inorganic ions as recited by claim 22. Genis fails to provide for the elements missing from Carmel. For example, Genis refers to a composition in which "salt granules are in an amount comprised between 3 and 15% and preferably between 5 and 10% of the total cream," not a composition such as described in claim 22 requiring, *inter alia*, an overall 80% by weight of the specific active ingredient inorganic ions. Genis, Col. 2, Lines 52-55. Likewise, Berger fails to provide for the elements missing from Carmel and Genis because it fails to disclose a

composition having an overall 80% by weight of the specific active ingredient inorganic ions required by claim 22. For similar reasons, the proposed combinations of Carmel, Genis, and Berger, or of Genis and Berger, fail to render independent claim 35 unpatentable under Section 103(a).

Furthermore, these references and the proposed combinations thereof fail to render independent claim 24 obvious under Section 103(a) because they do not disclose, teach, or suggest all of the required limitations of claim 24. None of the references, for example, disclose a method to treat a Kaposi's sarcoma lesion by first applying a composition with the specified active ingredient comprising 50% by weight of the composition, and subsequently applying a second composition with the specified active ingredient comprising 20% by weight of the composition. Accordingly, because the proposed combinations of Carmel, Genis, and Berger, or of Genis and Berger, fail to disclose, teach, or suggest all of the limitations of the pending claims, either alone or in the proposed combinations, the proposed combinations of references do not render the claims obvious under Section 103(a). Applicants therefore respectfully submit that the claims are now in condition for allowance. Applicants invite the Examiner to telephone the undersigned representative if the Examiner believes that a telephonic interview would advance this case to allowance or if any clarifications are necessary.

Respectfully submitted,

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